

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The amendments to the claims are as follows. Amended claim 1 substantially encompasses the subject matter of claims 1, 2, 5, and 6 and has been amended in order to point out that: the container is transferred from the tipping device to a conveying device comprising first and second conveying means arranged in series along the path, i.e. conveyors 27 and 28 which are clearly shown in the figures.

The tipping device is provided with an ejecting device for transferring the container from the tipping device to the first conveying means at a first traveling speed.

The second conveying means feeds the container through the emptying station at a second traveling speed lower than the first traveling speed; and the first conveying means selectively feeds the container at the first traveling speed when transferring the container from the tipping device to the first conveying means, and at the second traveling speed during at least part of the transfer of the container from the first to the second conveying means.

The *Lotti* U.S. Patent No. 4,234,279 does not teach or suggest transferring the container from the tipping device to a conveying device comprising first and second conveying means arranged in series. Indeed, *Lotti* discloses transferring the container to a conveying device comprising a single conveyor, i.e. conveyor 61.

In the Final Office Action, the Patent Examiner wrongly identifies the oscillating frame 34 of *Lotti* with the first conveying means claimed in claim 1. On the contrary, the oscillating frame 34 of *Lotti* corresponds to the tipping device claimed in claim 1 and the conveying device of *Lotti* receiving the container from the oscillating frame 34 comprises conveyor 61 only. Furthermore, belt 38, chains 39, and bar 44 of *Lotti* correspond to the ejecting device claimed in claim 1. Both apparatus are provided with three devices: the tipping device; the ejecting device associated with the tipping device; and the conveying device which receives the containers from the tipping device.

However, while the conveying device of *Lotti* is defined by a single conveyor, the conveying device of the present invention comprises two conveyors. Providing the conveying device with two conveyors allows for slowly moving a first container through the emptying station by means of the second conveyor, while at the same time a second container is quickly transferred from the

tipping device to the first conveyor. This allows the tipping device to quickly return to its first operating position.

On the contrary, providing the conveying device with one conveyor only forces the ejecting device to operate at least partially at a low speed. This allows at the same time emptying the first container without damaging its content and transferring the second container from the tipping device to the conveyor.

Thus, it is respectfully submitted that there are these fundamental differences existing between the disclosure of *Lotti*, and the present invention as claimed.

For all these reasons set forth above, the present invention, and all the claims are firmly believed to be patentable over the prior art applied by the Patent Examiner.

A prompt notification of allowability is respectfully

requested.

Respectfully submitted,
ANGELO BENEDETTI



COLLARD & ROE, P.C.
1077 Northern Boulevard
Roslyn, New York 11576
(516) 365-9802

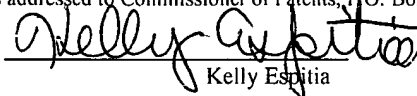
Allison C. Collard, Reg.No.22,532
Edward R. Freedman, Reg.No.26,048
Frederick J. Dorehak, Reg.No.29,298
Attorneys for Applicant

ERF:lgh

EXPRESS MAIL NO. EV 928 188 521 US

Date of Deposit: February 16, 2007

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above, and is addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Kelly Espitia